



Office of the Tennessee State Long-Term Care Ombudsman
502 Deaderick Street, 9th Floor Andrew Jackson
Nashville, TN 37243

To: Tennessee Nursing Homes
From: Office of the Tennessee State Long-Term Care Ombudsman
Re: 42 CFR 483.15 Notice Requirements
Date: June 1, 2017

Effective: July 1, 2017

It has come to the attention of the office of State Long Term Care Ombudsman that there are questions regarding notification of the State Long-Term Care Ombudsman upon the transfer or discharge of a resident as set forth in 42 CFR 483.15 (effective November 28, 2016.).

Facility-Initiated Transfers and Discharges

The regulation at 42 CFR 483.15(c)(3)(i) requires, in part, that before a facility transfers or discharges a resident, the facility must “notify the resident and the resident’s representative(s) of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand....” 42 CFR 483.15(c)(3)(i) states:

*(3)Notice before transfer. Before a facility transfers or discharges a resident, the facility must -
(i) Notify the resident and the resident's representative(s) of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand. The facility must send a copy of the notice to a representative of the Office of the State Long-Term Care Ombudsman.*

The new requirement of participation rules and CMS guidance (S&C 17-27 NH May 12, 2017) state that all involuntary discharge and transfer notices (including 3 and 5 day Emergency discharges) must be sent to the Office of the State Ombudsman at the time of issuance to the resident to meet compliance.

To make this process easier for you, the Office of the State Ombudsman has created an email address for all notices.

In keeping with what is already in the regulations, following notices must be emailed to the Tennessee State Long Term Care Ombudsman.

- All facility-initiated involuntary discharges and
- All facility-initiated transfers home and transfers to another LTC facility

Please send all notices to ombudsman.notification@tn.gov with the subject line: Facility (County) type of discharge.

***Ex: Sunny Meadows Nursing Home (Davidson) Involuntary Discharge
Ex: Sunny Meadows Nursing Home (Davidson) Transfer Home
Ex: Sunny Meadows Nursing Home (Davidson) Facility Transfer***

In order to meet state and federal requirements, all involuntary discharge and transfer notices must contain the information of the State Long-Term Care Ombudsman, as well as the contact information for the District Long Term Care Ombudsman that serves the county where the nursing home is located. [Note there are also other required names and addresses required by 42 CFR 483.15(c)(5)]

42 CFR 483.15(c)

(5) Contents of the notice. The written notice specified in paragraph (b)(3) of this section must include the following:

...

(v) The name, address (mailing and email) and telephone number of the Office of the State Long-Term Care Ombudsman;

The contact information for the State Long-Term Care Ombudsman is as follows:

Lauren Meeker
State Long Term Care Ombudsman
502 Deaderick St.
9th Floor-Andrew Jackson Building
Nashville, TN 37243
(615) 837-5112
lauren.meeker@tn.gov

Please see attached document to find the information for the appropriate District Long Term Care Ombudsman that serves your area.

Emergency Transfers to Acute Care Facilities

CMS Guidance for Emergency Transfers

When a resident is temporarily transferred on an emergency basis to an acute care facility, notice of the transfer may be provided to the resident and resident representative as soon as practicable, according to 42 CFR 483.15(c)(4)(ii)(D). Copies of notices for emergency transfers must also still be sent to the ombudsman, but they may be sent when practicable, such as in a list of residents on a monthly basis.

To make this new requirement easier, we have created a document that you can fill out and email to us on a monthly basis. (See attached) Please send this document to ombudsman.notification@tn.gov on or before the 20th of each month for the preceding month, with the subject line: Facility (County) Emergency notice.

Ex: Sunny Meadows Nursing Home (Davidson) Emergency Notice

Resident-Initiated Transfers and Discharges

A resident-initiated transfer or discharge means the resident or, if appropriate, the resident representative has provided verbal or written notice of intent to leave the facility. The medical record must contain documentation or evidence of the resident's or resident representative's verbal or written notice of intent to leave the facility. A resident's expression of a general desire or goal to return home or to the community or elopement of a resident who is cognitively impaired should not be taken as notice of intent to leave the facility. For resident-initiated transfers or discharges, sending a copy of the notice to the ombudsman is not required.

The Office of the State Long Term Care Ombudsman welcomes resident-initiated transfer/discharge notices, but as stated, this is not a requirement. Should you decide to send a resident initiated notice to the Office of the State Long Term Care Ombudsman, please send it to ombudsman.notification@tn.gov, with the subject line: Facility (County) Resident-Initiated Discharge.

Ex: Sunny Meadows Nursing Home (Davidson) Resident Initiated Discharge

Sending copies of these notices to the Office of the State Long-Term Care (LTC) Ombudsman provides added protection to residents and ensures the Office of the State LTC Ombudsman is aware of facility practices and activities related to transfers and discharges. Thank you for your cooperation.